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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,404	01/26/2004	Richard A. Samsel	5031-198CT	2204
20792 7590 06/08/2007 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER LAVINDER, JACK W	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,404

Applicant(s)

SAMSEL, RICHARD A.

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-30 and 32,34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 37 is/are allowed.
- 6) ☒ Claim(s) 26,28-30,32,34 and 35 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

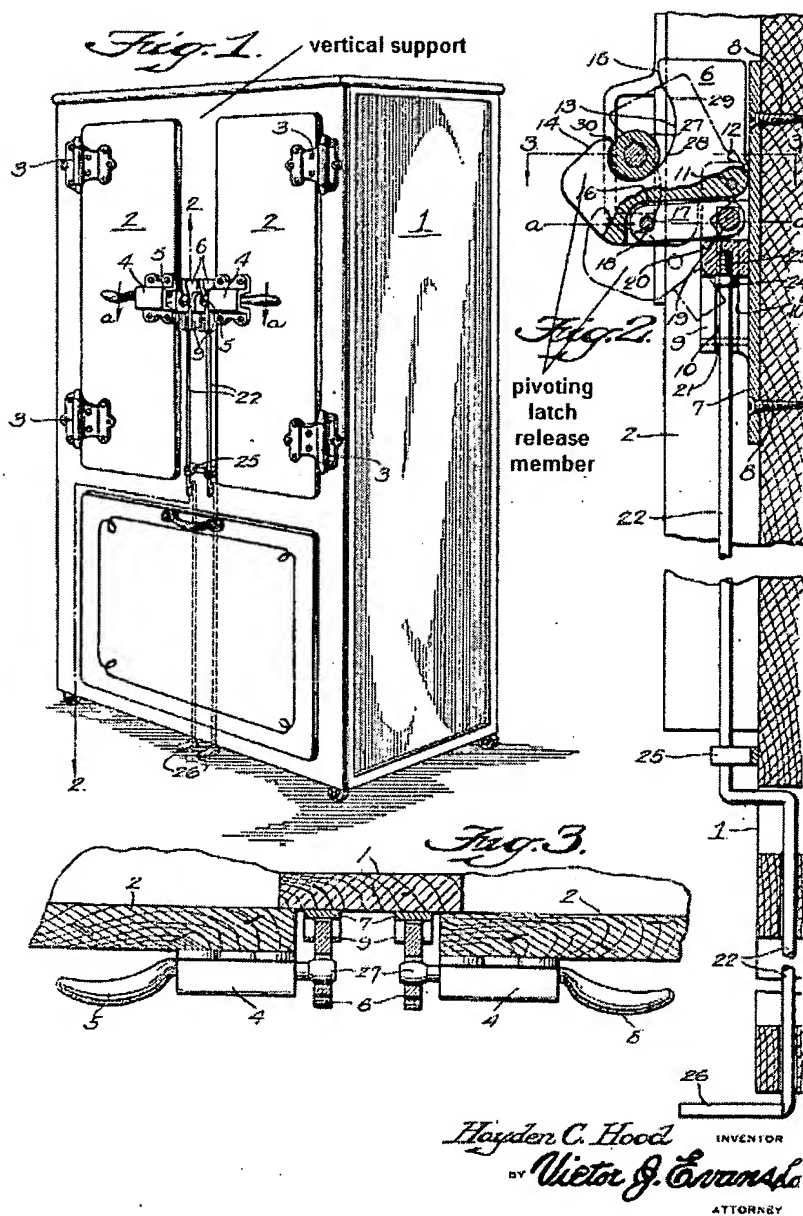
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26 and 30 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hood, 1847564. Hood discloses, a storage cabinet comprising: a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity; a vertical support member extending upwardly from said floor (1, front vertical panel in the center of the front portion of the cabinet as seen in figure 3); two doors (2), each pivotally attached to the cabinet on opposite sides of the support member, and each movable about respective pivot axes located on opposite sides of the support member between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said door contacts said support member and prevents access to said cavity from a position forward thereof; and a latching mechanism (6) attached (7) to said support member (1), said latching mechanism including at least one release member (26) protruding forwardly from said support member, the at least one release member being movable from a latched position to an unlatched position (figure 2); wherein said doors may be transitioned from a latched condition, in which said latching

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mechanism latches said doors in the closed position in which the doors are in side by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving the release members (26) from their latched position to their unlatched position.



Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hood. Hood discloses latches on a refrigerator. Most refrigerators are between 5 and 6 feet tall. Hood shows latches positioned at about two-thirds the height of the refrigerator. This would put the latches between a height of about three and a half feet to four feet. The specification fails to disclose any criticality as to the height of the latches being between four and six feet. In fact, the disclosure also claims that the latch can be placed at a height of between three and twenty four inches. Therefore, the height of the latch is considered to be non-critical to the invention. Furthermore, the device functions equally well with the latch located between 3-24 inches or between 48 and 72 inches. It would have been obvious to a person having ordinary skill in the art to place Hood's latch at a height between 48-72 inches since it is not critical to the invention and Hood's latch location performs equally as well at a location between 48-72 inches.

5. Claims 29 and 34-35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hood, 1847564 in view of Lyons, 3601437.

Regarding claims 29 and 34, Hood discloses, a storage cabinet comprising: a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said

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floor, side walls, rear wall, and ceiling defining a storage cavity; a vertical support member extending upwardly from said floor (1, front vertical panel in the center of the front portion of the cabinet as seen in figure 3); two doors (2), each pivotally attached to the cabinet on opposite sides of the support member, and each movable about respective pivot axes located on opposite sides of the support member between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said door contacts said support member and prevents access to said cavity from a position forward thereof; and a latching mechanism (6) attached (7) to said support member (1), said latching mechanism including at least one release member (26) protruding forwardly from said support member, the at least one release member being movable from a latched position to an unlatched position (figure 2); wherein said doors may be transitioned from a latched condition, in which said latching mechanism latches said doors in the closed position in which the doors are in side by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving the release members (26) from their latched position to their unlatched position.

Hood fails to disclose a single release member for actuating the two latches (14) simultaneously in order to open both doors at the same time. However, Lyons discloses in col. 4, lines 10-14 that the two latches (60) can be activated with a single pull handle.

It would have been obvious to a person having ordinary skill in the art to eliminate one of the two release members in Hood in order to simplify the manufacturing

process and reduce the costs of producing the cabinet by eliminating all the elements associated with the second latching mechanism, as taught by Lyons.

Regarding claim 35, Hood discloses latches on a refrigerator. Most refrigerators are between 5 and 6 feet tall. Hood shows latches positioned at about two-thirds the height of the refrigerator. This would put the latches between a height of about three and a half feet to four feet. The specification fails to disclose any criticality as to the height of the latches being between four and six feet. In fact, the disclosure also claims that the latch can be placed at a height of between three and twenty four inches. Therefore, the height of the latch is considered to be non-critical to the invention. Furthermore, the device functions equally well with the latch located between 3-24 inches or between 48 and 72 inches. It would have been obvious to a person having ordinary skill in the art to place Hood's latch at a height between 48-72 inches since it is not critical to the invention and Hood's latch location performs equally as well at a location between 48-72 inches.

Allowable Subject Matter

6. Claim 27 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 36 and 37 have been allowed.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack W Lavinder\
Primary Examiner
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6/2/2007